

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SAGUN TULI, M.D.,
Plaintiff

Civil Action No. 1:07-cv-12338

v.

BRIGHAM & WOMEN'S HOSPITAL, INC.,
ARTHUR DAY, M.D.,
Defendants

DEFENDANTS' MOTION TO EXTEND DISCOVERY FOR 45 DAYS

Now comes the defendants, Arthur Day, M.D. and Brigham & Women's Hospital, Inc., and hereby respectfully request that the Court extend the discovery deadline forty-five (45) days (from August 15, 2008 to September 30, 2008).

As grounds therefore, the defendants state as follows:

1. This matter involves a complex employment discrimination case. The parties are actively engaged in the process of conducting discovery, including, numerous depositions of physicians and other hospital staff. Due to the nature of the alleged incident, the number of witnesses involved, and the busy schedules of the witnesses and counsel, additional time is necessary for the parties to adequately complete discovery.

2. The parties will be unable to complete discovery by the current August 15, 2008 deadline. For example, the parties will not be able to complete numerous depositions, including, the deposition of Dr. Schwartz in Toronto, part two of the deposition of Dr. Johnson, part two of the deposition of Dr. Black and the Rule 30(b)(6) depositions of the Children's Hospital and Brigham and Women's Hospital. The defendants have retained counsel in Toronto and an application has been filed in the Superior Court of Justice in Ontario for the purpose of conducting the deposition. At present, it is not clear if the

application will be allowed prior to the discovery deadline. Also, the parties have encountered difficulty scheduling the deposition of Dr. Johnson. Dr. Johnson is away and not available between July 30 and August 12 and then again between August 25 and September 3. Although he is available on August 14, defense counsel has a conflict on that date. In addition, the continuation of the deposition of Dr. Black must be postponed as the parties address discovery issues relating to the Rule 30(b)(6) depositions of the Brigham & Women's Hospital and/or Children's Hospital. Counsel for Dr. Day issued Rule 30(B)(6) deposition notices to both hospitals to obtain testimony and documentation concerning Dr. Black's employment at the hospitals. The depositions were scheduled for Monday, July 28, 2008 and part two of the deposition of Dr. Black was scheduled for Tuesday, July 29, 2008. However, not only are the hospital's representatives not available to testify on July 28, but Dr. Black's personal attorney has indicated that she will be filing a Motion to Quash the deposition subpoenas sometime today. Additionally, although the parties have scheduled part one of the deposition of the plaintiff, Sagun Tuli, M.D., for August 6, 2008, it is anticipated that the deposition will not be completed in one day.

3. The defendants also intend to conduct several additional depositions, including, the depositions of Drs. Woodard, Eichler, Figueroa (of Grand Rapids, MI) and Johnson (of the Medical University of South Carolina). These depositions have not been scheduled.

4. Extending the discovery deadline will afford the parties sufficient time to complete the discovery they require to develop their claims and defenses.

5. None of the parties will be prejudiced by the enlargement of the discovery deadline. The extension will not affect the January 2009 trial schedule.

WHEREFORE, the defendants respectfully request that the Court allow this Motion and extend the discovery deadline to September 30, 2008.

CERTIFICATION PURSUANT TO LOCAL RULES 7.1 AND 37.1

Pursuant to Local Rules 7.1(a)(2), 26.1(C) and 37.1(B), the parties conferred in good faith to narrow the areas of disagreement with respect to the matters set forth in this motion.

Respectfully submitted,
By their attorneys,

ARTHUR DAY, M.D.

s/ John P. Ryan

Dated: July 24, 2008

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BRIGHAM AND WOMEN'S HOSPITAL,

s/ Robert Hamel, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July 2008, that the within was electronically filed with the Court using the ECF system. The following counsel of record are registered with the Court and will be served electronically through the ECF system and by regular

mail, postage prepaid: Margaret M. Pinkham, Brown Rudnick LLP, One Financial Center
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/s/ Debra Ito

Debra L. Ito